

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 3:22-cv-00020-MPM-JMV

AN EASEMENT AND RIGHT-OF-WAY
OVER 1.65 ACRES OF LAND, MORE OR LESS,
IN DESOTO COUNTY, MISSISSIPPI, and
J & M HOLDINGS, LLC,
a Mississippi limited liability company,
BANCORPSOUTH BANK,
J. PATRICK CALDWELL, trustee
PARTNERS BANK,
JOHN MOORE, trustee,
Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action came before the Court on the Joint Motion for Entry of a Proposed Judgment and Order Disbursing Funds (ECF Doc. 23). As set forth in the joint motion, Plaintiff and Defendant J & M Holdings, LLC, have agreed to resolve this action with the total amount of compensation to be awarded for the condemned property rights being \$400,000. The record for this case further shows that Defendants Bancorpsouth Bank and J. Patrick Caldwell, trustee, have disclaimed their interest in the compensation award (ECF Doc. 18), that Defendants Partners Bank and John Moore, trustee, were served with the Complaint (ECF Doc. 19) but have not entered an appearance or contested the amount or apportionment of the compensation award, and that Plaintiff has deposited with the registry of this Court the total amount of \$400,000, the disbursement of which is provided for herein.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. Defendants shall recover of the Plaintiff \$400,000 as full compensation for the taking of the property rights herein condemned, and Defendants J & M Holdings, LLC and Partners Bank shall receive all of that amount recovered as compensation in the apportioned amounts set forth in paragraph 2.

2. The Clerk of this Court is authorized and directed to draw two checks on the funds on deposit in the registry of this Court, the first check in the amount of \$184,261.29 payable to Partners Bank and the second check in the amount of \$215,738.71, plus any accrued interest thereon less the applicable registry fee, payable, to J & M Holdings, LLC, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said checks to J & M Holdings, LLC at Post Office Box 876, New Albany, Mississippi 38652, and to Partners Bank at P. O. Box 280, Helena, Arkansas 72342, in full satisfaction of this Judgment.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on February 1, 2022 (ECF Doc. 2), is hereby fully and finally confirmed with respect to the following-described property rights, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (ECF Doc. 2-1):

Permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any line, structure, appurtenance, or conductor (including structures and conductors being on and over adjacent land), the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting

directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. MWND-33

A strip of land located in Section 24, Township 1 South, Range 7 West, of DeSoto County, Mississippi, as shown on map entitled "Olive Branch-DeSoto Rd. Transmission Line Tap to Mineral Wells Tap to North DeSoto, Mississippi Substation," drawing LW-5463, Sheet P10DCCB, R.2, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commence at a Flagged T-Post at the northwest corner of J & M Holdings, LLC, on the right-of-way of Stateline Road as shown on Drawing LW-5463, Sheet P10DCCB, R.2; thence easterly along the said road right-of-way line 38.74 feet +/- to a point on centerline of the location at station 163+52.41, and being the Point of Beginning.

The said strip being bounded on the north end by the said property line; thence with the centerline of the location S. 0° 24' 20" E., 764.91 feet to a point of intersection on the centerline of the location at station 171+17.32 having the state plane coordinates of North: 1997249.91 East: 2426520.86; thence with the centerline of the location S. 89° 26' 01" W., 38.18 feet to a point of ending on the NorthCentral Mississippi Electric Power Association property line of record in Book 901, page 164 in the office of the Chancery Court Clerk of DeSoto County, Mississippi, on the centerline of the location at station 171+55.5, the said strip being bounded on the west end by the said property line, the ends of said strip are shortened or extended to said property lines.

The above-described strip of land is of irregular width and includes the centerline of the transmission line location for a net distance of 803.09 feet and contains 1.65 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 171+17.32.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract MWND-32 (Stateline Road), DeSoto County, Mississippi, the adjoining road right-of-way shown on the map referenced above.

The coordinates, distances and directions of lines are referred to the Mississippi West State Plane Coordinate System, NAD83(2011) Horizontal Datum, NAVD88 (Geoid12A) Vertical Datum.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is SO ORDERED, on this the 2nd day of MAY, 2022.



UNITED STATES DISTRICT JUDGE

We hereby approve and consent
to the entry of this Judgment:

s/James S. Chase

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